IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

Bail Appl..No. 5956 of 2007()

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CRIME NO.613/07 OF KASARAGOD POLICE STATION

: PETITIONER/ACCUSED:

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1. SARA - A2,
   W/O. ABDUL RAHIMAN, BANKODE, THALAMKARA VILLAGE,
   THALAMKARA P.O., KASARAGOD.

2. ABDUL RAHIMAN - A3,
   S/O. IBRAHIM, BANKODE, THALAMKARA VILLAGE,
   THALAMKARA P.O., KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT:

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STATE OF KERALA,
REP. BY INSPECTOR OF POLICE, KASARAGOD POLICE
STATION, REP. BY THE PUBLIC PROSECUTOR,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

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**B.A. No. 5956 OF 2007**

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**Dated this the 3rd day of October, 2007**

**ORDER**

Application for anticipatory bail. The petitioners are the sister and brother-in-law of the 1st accused who is the husband of the de facto complainant. Matrimonial cruelty of culpable variety is alleged against the petitioners in an F.I.R. registered for offences punishable, inter alia, under Sec.498A of the IPC. The marriage took place on 10/2/2000. A child has been born in the wed-lock. The petitioners, as stated earlier, are the sister and brother-in-law of the principal accused. They are also alleged to be guilty of matrimonial cruelty. The wife had got herself admitted in a hospital. The First Information Statement was recorded at the hospital. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that

the petitioners are absolutely innocent. Because of the strain in the matrimonial tie, false, frivolous and vexatious allegations are being raised not only against the husband; but also against the petitioners with oblique motive. The petitioners do not deserve to endure the trauma of arrest and detention. They may now be granted anticipatory bail, it is prayed.

3. The learned Public Prosecutor does not oppose the application. Having considered all the relevant inputs, I am satisfied that the petitioners herein can be granted anticipatory bail. In the absence of opposition from the learned Public Prosecutor, it is not necessary for me to advert to the facts in any greater detail.

4. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioners shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 9/10/07. They shall be released on regular bail on their executing bonds for Rs.25,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 10/10/07 and 11/10/07 and thereafter on all

Mondays and Fridays between 10 a.m. and 12 noon for a period of one month. Subsequently, they shall so make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if these directions were not issued at all;

(iv) If the petitioners were arrested prior to their surrender on 9/10/07 as directed in clause (i) above, they shall be released on their executing bonds for Rs.25,000/- each without any sureties undertaking to appear before the learned Magistrate on 9/10/07.

**Sd/-**
**(R. BASANT, JUDGE)**

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P.S. to Judge